

CALENDAR ITEM

C13

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08/19/15

S 1

PRC 7634.1

S. Kreutzburg

**TERMINATION OF A RECREATIONAL PIER LEASE
AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Eric P. Wente and Arel S. Wente, Trustees of the Eric and Arel Wente Living Trust dated July 19, 1999; Philip R. Wente and Julie A. Wente, Trustees of the Philip and Julie Wente Living Trust dated 7/19/99; and Buxton L. Layton, III and Carolyn Wente, Trustees of the Buxton and Carolyn Layton Trust dated 12/15/99

APPLICANT:

PEC Tahoe Properties LLC, a California Limited Liability Company

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 7181 West Lake Boulevard, near Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

\$1,102 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have a valid Tahoe Regional Planning Agency (TRPA) buoy permit, Lessee is required to obtain such authorization for the mooring buoy within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoy.

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2. Lessee expressly acknowledges and agrees that issuance of a Lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 23, 2011, the Commission authorized a Recreational Pier Lease to Eric P. Wentz and Arel S. Wentz, Trustees of the Eric and Arel Wentz Living Trust dated July 19, 1999; Philip R. Wentz and Julie A. Wentz, Trustees of the Philip and Julie Wentz Living Trust dated 7/19/99; and Buxton L. Layton, III and Carolyn Wentz, Trustees of the Buxton and Carolyn Layton Trust dated 12/15/99. That lease expires on February 28, 2021.
3. On July 9, 2012, all interest in the subject parcel was deeded to PEC Tahoe Properties, LLC, a California Limited Liability Company. The Applicant is now applying for a General Lease – Recreational Use. The Lessee has requested termination of the existing lease.
4. Staff recommends that the Commission accept compensation in the amount of \$4,527 for the unauthorized occupation of state land, for the period beginning July 9, 2012, when the Applicant took ownership, through August 18, 2015.
5. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective August 18, 2015, of Lease No. PRC 7634.9, a Recreational Pier Lease, issued to Eric P. Wentz and Arel S. Wentz, Trustees of the Eric and Arel Wentz Living Trust dated July 19, 1999; Philip R. Wentz and Julie A. Wentz, Trustees of the Philip and Julie Wentz Living Trust dated 7/19/99; and Buxton L. Layton, III and Carolyn Wentz, Trustees of the Buxton and Carolyn Layton Trust dated 12/15/99.
2. Authorize compensation in the amount of \$4,527 for the unauthorized occupation of state land, for the period of July 9, 2012, to August 18, 2015.

CALENDAR ITEM NO. **C13** (CONT'D)

3. Authorize issuance of a General Lease – Recreational Use to PEC Tahoe Properties, LLC, a California Limited Liability Company, beginning August 19, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$1,102, with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 7634.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 17, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, and one catwalk lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded July 9, 2012 as Document Number 2012-0033018 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 – BUOY

One circular parcel of land, being 50 feet in diameter, underlying one existing buoy, lying adjacent to that parcel as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 29, 2015 by the California State Lands Commission Boundary Unit.





LAKE
TAHOE

EXISTING
BUOY

9' IMPACT AREA

13'

EXISTING
CATWALK
(3' x 45')

313'

6223'± LTD

195'

EXISTING
PIER

MARINE RAIL

APPROXIMATE

APN 015-370-07

SHORELINE

EXHIBIT A

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MJJ 07/29/2015

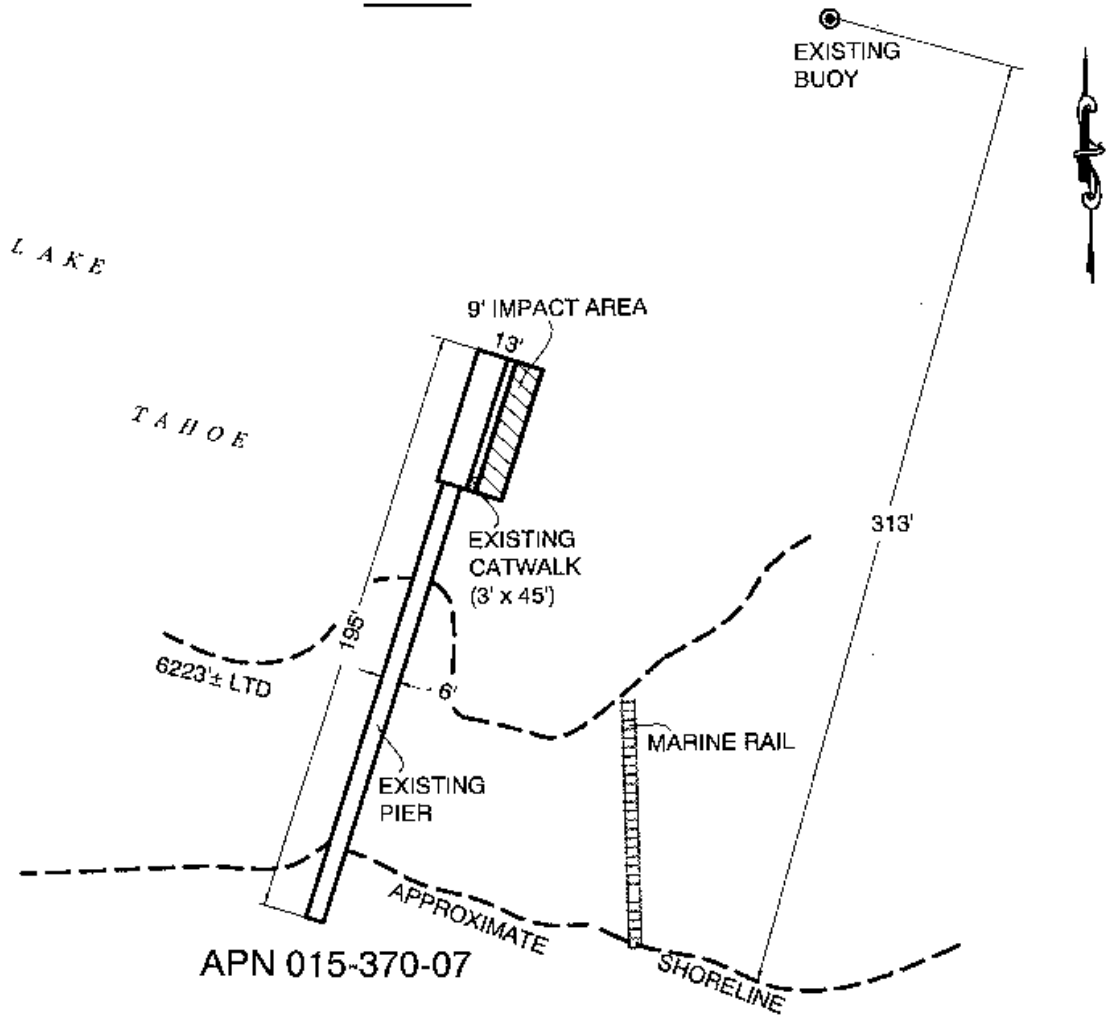
LAND DESCRIPTION PLAT
PRC 7634.1, PEC TAHOE PROPERTIES, LLC
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



7181 WEST LAKE BLVD., NEAR TAHOMA

NO SCALE

LOCATION

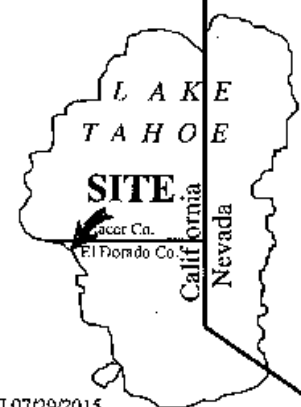


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 7634.1
PEC TAIHOE PROPERTIES, LLC
APN 015-370-07
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJT 07/29/2015